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REMARKS

Applicant respectfully requests reconsideration. Claims 1-3, 5-8, 10, 88 and 102-113 were previously pending in this application. By this amendment, Applicant is canceling claim 1-5, 9, 11, 14-21, 23-86, and 89-101 without prejudice or disclaimer. Applicant reserves the right to file one or more continuations directed to the canceled subject matter. Claims 12, 13, 22, 87, 104-107, and 111-113 remain withdrawn as directed to a non-elected species. Claims 6-8, 10, 12, 13, 22, 87, 88, 102-104, 108, and 111 have been amended. New claims 114-141 have been added. As a result, claims 6-8, 10, 88, 102, 103, 108-110, and 114-141 are pending for examination with new claims 114, 124 and 128 being the independent claims. No new matter has been added.

Examiner Interview

Applicant would like to thank Examiner Matthew and Examiner Donnelly for their courtesies during a personal interview with Applicant Forrest Phillips, Edmund Walsh, Shannon Pratt, and Dr. Blair on November 2, 2006. New claims were discussed and the rejections in view of Chacko and Merino were discussed. The substance of the discussion is incorporated into the following remarks.

Objections to Specification

In the Office Action, the Examiner pointed out typographical errors in the specification. Applicant has corrected these errors by amendment. The withdrawal of these objections is respectfully requested because the errors and corrections were apparent in the specification as filed and do not add new matter.

Rejections Under 35 U.S.C. §102

Claims 1-3, and 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Chacko et al. (U.S. Patent No. 3,712,417). Claims 1, 10, 88, 102-103, and 108-110 also stand rejected under 35 U.S.C. §102(b) as being anticipated by Merino (U.S. Patent No. 4,762,316).

Applicant has canceled independent claim 1 as well as several dependent claims to further advance the prosecution of this application. All of the remaining pending dependent claims no longer depend from claim 1, thus this rejection is no longer appropriate.

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Accordingly, withdrawal of these rejections is respectfully requested.

New Claims

Applicant has added new claims 114-141, including new independent claims 114, 124 and 128, to further define aspects of the invention. These new claims relate to the elected species set forth in FIG. 1 and do not include new matter. The new claims distinguish over the references of record, and thus should be allowed.

As set forth in greater detail below, independent claims 114, 124 and 128 distinguish over both Chacko and Merino.

New Independent Claim 114

New independent claim 114 is directed to an inflatable activity slide that includes an inclined inflatable portion, a lower substantially horizontal inflatable portion, and an upper substantially horizontal inflatable portion. The inclined portion and the lower substantially horizontal portion have a low-friction top surface for sliding thereon. The inflatable activity slide further includes an inflatable side bumper extending along each side of the inclined portion and the upper substantially horizontal portion. The activity slide also includes an upwardly extending inflatable support structure for allowing a user to access the upper substantially horizontal portion from a ground surface.

Support for this new claim may be found at least on page 9, line 6 – page 10, line 25, and specific examples of the claimed elements are illustrated in the elected species shown in FIG. 1. There is also support in the parent patent, U.S. Patent No. 6,231,483 in Columns 6-9 and in FIGS. 10-16.

There is no teaching or suggestion in either Chacko or Merino for the inflatable activity slide as set forth in new independent claim 114.

Chacko is directed to an inflatable evacuation slide for evacuating aircrafts. The evacuation slide includes upper and lower inflation tubes 17, 19 which are fastened together with a low friction material 25 positioned between the tubes and forming the sliding surface. A plurality of support tubes 49 extend laterally across the slide between the upper and lower tubes 17, 19.

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Chacko fails to teach or suggest an inflatable activity slide having an inclined inflatable portion, a lower substantially horizontal inflatable portion, and an upper substantially horizontal inflatable portion, as recited in independent claim 114. By contrast, the evacuation slide of Chacko includes only one inclined sliding portion which is fastened to an aircraft with a pin 67 and a panel 61. Chacko does not teach or suggest the use of either an upper or lower horizontal slide portion. The slide in Chacko is designed to be secured at one end to an aircraft, and at the other end along a ground surface. Chacko specifically teaches that the distal end of the assembly is formed such that when an evacuee reaches that point of the slide, he is automatically brought to a nearly upright position so that he is forced to get out of the way of the next evacuee rather than falling to the ground in a seated position. (Chacko, Col. 2, lines 33-40). Thus, there is no motivation to modify the slide in Chacko to include either an upper or a lower horizontal slide portion. Chacko also does not teach or suggest an upwardly extending inflatable support structure, as recited in claim 114. Instead, the aircraft in Chacko supports the slide. Because the slide in Chacko has no support structure, without the aircraft, the slide would become a flat slide resting on the ground.

For at least these reasons, new independent claim 114 is patentable over Chacko. Claims 6-8, 10, 88, 102, 103, 108-110 and 115-123 depend from claim 114 and are patentable for at least the same reasons.

Merino is directed to a wave surfing simulation apparatus. The apparatus includes an elongated water slide with a plurality of transversely extending inflatable air chambers at spaced apart locations to give an undulating effect. These chambers are placed under the water slide such that it creates a surfing feel to a user.

Merino fails to teach or suggest an inflatable activity slide having an inclined inflatable portion, a lower substantially horizontal inflatable portion, and an upper substantially horizontal inflatable portion, as recited in independent claim 114. Merino simply includes one horizontal sliding surface with small bumps along its path. Furthermore, Merino does not teach or suggest the use of an inflatable side bumper, as also recited in claim 114.

For at least these reasons, new independent claim 114 is also patentable over Merino. Claims 6-8, 10, 88, 102, 103, 108-110 and 115-123 depend from claim 114 and are patentable for at least the same reasons.

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New Independent Claim 124

New independent claim 124 is directed to an inflatable activity slide that includes an inclined inflatable portion, a lower substantially horizontal inflatable portion, and an upper substantially horizontal inflatable portion. The inclined portion and the lower substantially horizontal portion have a low-friction top surface for sliding thereon. The inflatable activity slide further includes an inflatable side bumper extending along each side of the inclined portion and the upper substantially horizontal portion. A support structure is provided for allowing a user to access the upper substantially horizontal portion from a ground surface. The inflatable activity slide is detachable into at least a first section and a second section wherein said first and second sections are adapted to be held together by at least one fastener.

Support for this new claim may be found at least on page 9, line 6 – page 10, line 25, and specific examples of the claimed elements are illustrated in the elected species shown in FIG. 1. There is also support in the parent patent, U.S. Patent No. 6,231,483 in Columns 6-9 and in FIGS. 10-16.

There is no teaching or suggestion in either Chacko or Merino for the inflatable activity slide as set forth in new independent claim 124.

Chacko is discussed above.

As mentioned above, Chacko does not teach or suggest an inflatable activity slide having an inclined inflatable portion, a lower substantially horizontal inflatable portion, and an upper substantially horizontal inflatable portion. Furthermore, Chacko does not teach or suggest an inflatable activity slide which is detachable into at least a first section and a second section where said first and second sections are adapted to be held together by at least one fastener.

For at least these reasons, new independent claim 124 is patentable over Chacko. Claims 125-127 depend from claim 124 and are patentable for at least the same reasons.

Merino is discussed above.

Merino also fails to teach or suggest an inflatable activity slide having an inclined inflatable portion, a lower substantially horizontal inflatable portion, and an upper substantially horizontal inflatable portion, as recited in independent claim 124. Additionally, Merino does not teach or suggest an inflatable slide which is detachable into at least two sections, as also recited in claim 124.

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For at least these reasons, new independent claim 124 is also patentable over Merino. Claims 125-127 depend from claim 124 and are patentable for at least the same reasons.

New Independent Claim 128

New independent claim 128 is directed to an inflatable activity slide for supporting a user. The slide includes an inflatable starting pad, an inflatable stopping pad, and an inflatable sliding portion between the starting pad and the stopping pad. The slide further includes an inflatable side bumper positioned along the length of the inflatable inclined surface, and an upwardly extending support structure for allowing a user to access the starting pad from a ground surface. The activity slide when inflated has a predetermined configuration in which the starting pad is positioned above and substantially parallel to the stopping pad and the sliding portion is inclined.

Support for this new claim may be found at least on page 9, line 6 – page 10, line 25, and specific examples of the claimed elements are illustrated in the elected species shown in FIG. 1. There is also support in the parent patent, U.S. Patent No. 6,231,483 in Columns 6-9 and in FIGS. 10-16.

There is no teaching or suggestion in either Chacko or Merino for the inflatable activity slide as set forth in new independent claim 128.

Chacko is discussed above.

Chacko does not teach or suggest a slide having an inflatable starting pad, an inflatable stopping pad, and an inflatable sliding portion positioned between the starting pad and the stopping pad where when inflated, the activity slide has a predetermined configuration in which the starting pad is positioned above and substantially parallel to the stopping pad and the sliding portion is inclined, as recited in independent claim 128. Chacko discloses an evacuation slide with only an inclined sliding portion which is secured to an aircraft. There is no inflatable starting pad positioned above and substantially parallel to an inflatable stopping pad in Chacko. As discussed above, Chacko specifically teaches the importance of configuring the end of the slide such that an evacuee is automatically brought to a nearly upright position so that he is forced to get out of the way of the next evacuee rather than falling to the ground in a seated position. (Chacko, Col. 2, lines 33-40). Additionally, there is no upwardly extending support structure for allowing a user to access the

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starting pad from a ground surface, as also recited in claim 128. As mentioned above, in Chacko there is no support structure and the aircraft supports the slide.

For at least these reasons, new independent claim 128 is patentable over Chacko. Claims 129-141 depend from claim 128 and are patentable for at least the same reasons.

Merino is discussed above.

Merino also fails to teach or suggest a slide having an inflatable starting pad, an inflatable stopping pad, and an inflatable sliding portion, as recited in claim 128. As discussed above, Merino is simply a flat water slide with bumps along its path.

For at least these reasons, new independent claim 128 is patentable over Merino. Claims 129-141 depend from claim 128 and are patentable for at least the same reasons.

Elected Subject Matter/Withdrawn Claims

In the Office Action, the Examiner withdrew claims 104-107 and 111-113 as being directed to non-elected subject matter. The Examiner pointed out that Applicant previously elected the invention disclosed in FIG. 1.

Claims 104-107 and 111-113 now depend from new independent claim 114.

Claims 12, 13, 22, 87, 104-107, and 111-113 remain withdrawn as directed to a non-elected species. In the event that agreement is reached with respect to one or more of the pending claims being allowable, it is requested that the Examiner also consider the withdrawn claims which depend upon an allowable claim.

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CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance. If this communication does not place the case in condition for allowance, Applicant respectfully request an in person interview at the earliest possible convenience of the Examiner.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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